

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

CASE NUMBER: 2:06 CR 63

VIKRAM S. BUDDHI

Defendant.

**REPLY TO GOVERNMENT'S RESPONSE TO DEFENDANT'S
MOTION TO SUPPRESS**

Comes now defendant, Vikram S. Buddhi, by counsel, John E. Martin, and replies to the Government's written response to the Defendant's Motion to Suppress.

Regarding the issue presented, the defense states as follows:

1. In order to waive miranda, two ingredients must be present:

First the relinquishment of the right must have been voluntary in the sense that it was the product of a free and deliberate choice rather than intimidation, coercion or deception.

Second, the waiver must have been made with the full awareness of both the nature of the right being abandoned and the consequences of the decision to abandon it. Only if the "totality of the circumstances surrounding the interrogation" revealed both an uncoerced choice and the requisite level of comprehension may a court properly conclude that the miranda rights have been waived. *Moran v. Burbine*, 475 U.S. 412, 421, 106 S.Ct. 1135, 89 L.Ed. 2d 410 (1986).

2. The defendant, being a citizen of India studying in the United States was unfamiliar with the legal practices involving interrogations. On January 18, 2006, he was taken into custody by federal agents and brought to the Purdue University Police Department. At that time, agents of the government conducted a custodial interrogation. The defendant was not advised that he had the choice to leave the police department. Further, the defendant "did not know the implications" of making statements to the authorities.
3. Based upon the fact that the defendant was of a different citizenship and cultural heritage than the agents, and that he was not fully aware of both the nature of the right being abandoned and the consequences of the decision to abandon it, there was not an uncoerced choice nor the requisite level of comprehension in order to conclude that the miranda rights were waived. As such, the January 18, 2006 statements should be suppressed.

Respectfully submitted,

Northern District of Indiana
Federal Community Defenders, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that, on July 17, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/CM/ECF system which sent notification of such filing to the following:

Philip Craig Benson
philip.benson@usdoj.gov

and I hereby certify that I have mailed the document by U.S. Postal Service to the following non CM/CM/ECF participants:

s/ John E. Martin